

Memorandum

United States Attorney
District of Massachusetts

FILED
IN CLERKS OFFICE

2005 NOV 15 P 4: 50



<p>SUBJECT</p> <p><u>U.S. v. VICTOR FILPO; CR. NO.</u> 05-10048-RCL</p>	<p>U.S. DISTRICT COURT DISTRICT OF MASS. DATE NOVEMBER 15, 2005</p>
<p>TO</p> <p>OSCAR CRUZ, JR., ESQ.</p>	<p>FROM</p> <p>AUSA PETER K. LEVITT <i>PKL</i></p>

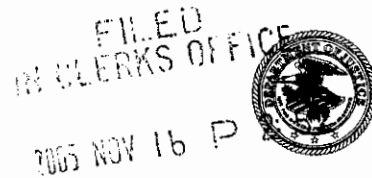
As discussed, I enclose an audiotape, dated January 7, 2005, of a meeting between your client and an individual who was working with state law enforcement authorities at the time of the conversation, which individual I will refer to herein as "state-CW". There is an additional audiotape of a tape recorded call between your client and state-CW on November 2, 2004.

Unfortunately, my copy of the November 2, 2004 tape recording was destroyed when my office tried to make a copy of the tape for you (that is, the tape broke in the tape machine when we were trying to duplicate it). I am endeavoring to obtain another copy of that tape and will forward same to you immediately upon receipt.

Pursuant to Local Rule 116.6(A), the government declines to disclose at this time the identity of the state-CW. The government believes that such a disclosure would be detrimental to the interests of justice. The government takes the position that the exposure of the identity of the state-CW would put

his/her safety in jeopardy. The government is prepared to identify the state-CW at a reasonable time before trial.

cc: Noreen Russo, Courtroom Clerk to U.S. Magistrate Judge ✓
Robert B. Collings

Memorandum*United States Attorney
District of Massachusetts*

SUBJECT <u>U.S. v. LUIS ALBERTO ALDADINO,</u> <u>et al</u> ; CR. NO. 05-10048-RCL	DATE NOVEMBER 16, 2005 U.S. DISTRICT COURT DISTRICT OF MASS.
TO ALL DEFENSE COUNSEL OF RECORD	FROM AUSA PETER K. LEVITT <i>PXL</i>

Enclosed please find two FBI 302 reports of interviews of a cooperating witness (hereinafter referred to as "CW-3").

Pursuant to Local Rule 116.6(A), the government declines to disclose at this time the identity of CW-3. The government believes that such a disclosure would be detrimental to the interests of justice. The government takes the position that the exposure of the identity of CW-3 would put his/her safety in jeopardy.

CW-3 has a plea agreement with the United States with a standard cooperation provision, as well as a proffer letter. I will provide you with redacted copies of these items at a later time and disclose the identity of CW-3 at a reasonable time before trial. Please advise me if you have any questions about this or any aspect of discovery.

✓
cc: Noreen Russo, Courtroom Clerk to
U.S. Magistrate Judge Robert B. Collings

FD-302 (Rev. 10-6-95)

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 05/10/2005

[REDACTED] was advised of the identity of the interviewing agents and the nature of the interview. [REDACTED] was interviewed under a proffer agreement between himself and the United States government. Also present for the interview was Assistant United States Attorney (AUSA) Peter Levitt and [REDACTED] attorney, [REDACTED] and FBI intelligence analyst Patricia Greene. During the interview [REDACTED] attorney [REDACTED] departed and was replaced by his partner [REDACTED]. [REDACTED] provided the following information:

[REDACTED] advised that his true name is [REDACTED] his true date of birth: [REDACTED]. [REDACTED] advised that he was born in [REDACTED] and has been in the U.S. since 1988 and lived in [REDACTED] for approximately 12 years before moving to Boston. [REDACTED] advised that he lived in the [REDACTED] area his entire time in Boston, his most recent address was [REDACTED] MA.

[REDACTED] advised that he had met DIAZ approximately one year prior to [REDACTED] through [REDACTED]. [REDACTED] advised that he had done business with DIAZ and VICTOR FILPO. That DIAZ would give heroin to [REDACTED] on behalf of FILPO. [REDACTED] stated that he got involved in drug trafficking through his [REDACTED]. [REDACTED] was deported approximately one year ago.

[REDACTED] advised that DIAZ was getting heroin from both FILPO and JOSELITO. During the summer of 2004, DIAZ introduced [REDACTED] to JOSELITO. [REDACTED] advised that he would purchase heroin from JOSELITO when FILPO was out or was taking too long. [REDACTED] advised that JOSELITO always had "stuff" on hand. DIAZ, FILPO and JOSELITO were the only people that [REDACTED] would purchase heroin from. [REDACTED] that he would purchase between 150 to 200 grams of heroin every two weeks for six or seven months from DIAZ and FILPO. He would purchase the same amount from JOSELITO when FILPO and DIAZ were out and towards the end, he would make the same purchases every two to three weeks. [REDACTED] advised that DIAZ charged \$66.00 per gram and \$13,000.00 for 200 grams and JOSELITO would charge \$61.00 per gram.

[REDACTED] advised that JOSELITO would send a runner named PICHON from Lynn, MA to make the deliveries at his house. Sometimes,

Investigation on 5/6/2005 at Boston, Massachusetts

File # [REDACTED]
SA Jill R Heeter
by Det Eduardo Dominguez

Date dictated 5/10/2005

FD-302a (Rev. 10-6-95)

Continuation of FD-302 of [REDACTED], On 5/6/2005, Page 2

[REDACTED] JOSELITO would come with PICHON and sometimes PICHON would come alone. [REDACTED] advised that JOSELITO's wife did not bring any drugs to him, nor would he place orders through her on the telephone. [REDACTED] advised that he would always talk to JOSELITO directly and not place orders through anyone other than him.

[REDACTED] advised that he met FILPO one time when he had to deliver \$8,000.00 to him in NY. Otherwise, he always received heroin from FILPO through DIAZ. [REDACTED] advised that he did not meet anyone that had brought the drugs from NY to FILPO. DIAZ and [REDACTED] would sometimes meet on the streets or at the apartment on Fairmont Street, Hyde Park, MA. [REDACTED] stated that DIAZ had Apartment #2 and there was only a bed and TV in the apartment. [REDACTED] advised that JOSELITO would deliver to the third floor at 70 Sawyer Street, Dorchester, MA. There was a Puerto Rican woman that lived on the second floor of the building.

[REDACTED] advised that sometimes his [REDACTED] would ride with him but, was not involved with drug trafficking. [REDACTED] advised that his [REDACTED] told him that JOSELITO [REDACTED]

[REDACTED] advised that he switched to working with JOSELITO because he charged less than FILPO and DIAZ for heroin. [REDACTED] advised that both JOSELITO and DIAZ would front the heroin to him. [REDACTED] advised that he did not place any calls to Columbia but, JOSELITO borrowed his phone and may have made the calls. [REDACTED] advised that JOSELITO did not have a car and he was driving him around and took him to NY in exchange for heroin. [REDACTED] advised that he had purchased heroin from JOSELITO between 20 and 30 times and JOSELITO would always collect the money himself. [REDACTED] stated that he would receive the heroin in powder form and usually cut it 50/50. [REDACTED] stated that he would purchase the cut already made from [REDACTED]

[REDACTED] He would pay \$8.00 per gram for cut and then would put it into fingers using DIAZ' press. [REDACTED] stated that he did not own his own press and would give DIAZ \$300.00 for the press. [REDACTED] advised that he did not use a tester and would just sell as is. He prepared the heroin in his apartment off of River Street, Hyde Park, MA. Furthermore, [REDACTED] stated that he had sold cocaine in the past but no longer deals in cocaine.

Continuation of FD-302 of [REDACTED], On 5/6/2005, Page 3

[REDACTED] was asked about several telephone numbers that appeared as frequent callers on his pen records. He was questioned about the following numbers:

FD-302a (Rev. 10-6-95)

[REDACTED]

Continuation of FD-302 of [REDACTED], On 5/6/2005, Page 4

[REDACTED]

[REDACTED]

[REDACTED] advised that he had three other cell phones in his name, one his girlfriend had, another his cousin's wife had and the last was one his friend had. [REDACTED] advised that he used to rent cars from [REDACTED] because they did not require a credit card and would still charge the same.

FD-302 (Rev. 10-6-95)

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 05/26/2005

[REDACTED] was advised of the identity of the interviewing agents and the nature of the interview. [REDACTED] was interviewed under a proffer agreement between himself and the United States government. [REDACTED] provided the following information:

[REDACTED]

[REDACTED] advised that on the day after the seizure from "IRIS" in June, (June 9, 2004) he told a Spanish man First Name Unknown, Last Name Unknown (FNU LNU), A.K.A CACHE, to pick up FERMIN HERNANDEZ, who worked for VICTOR FILPO, A.K.A COMPADRE and get 200 grams of heroin sent to [REDACTED] from COMPADRE. [REDACTED] advised that LUIS DIAZ was supposed to meet HERNANDEZ, but DIAZ did not have a car so, DIAZ told [REDACTED] to get HERNANDEZ. [REDACTED] spoke to HERNANDEZ via telephone but never met him. [REDACTED] advised he did not meet with DIAZ and DIAZ did not give [REDACTED] anything. [REDACTED] advised that CACHE drove a blue or turquoise mini-van to pick up HERNANDEZ. CACHE dropped HERNANDEZ off somewhere and did not tell [REDACTED] where.

[REDACTED] advised that LUIS DIAZ always provided [REDACTED] with drugs and [REDACTED] was also supplied by DAVID ALBA, A.K.A JOSELITO. [REDACTED] advised that ALBA used a runner MANUEL DISLA A.K.A PICHON.

[REDACTED] advised that [REDACTED] used to deal heroin but, recently was awarded a working visa and no longer deals drugs. [REDACTED] advised that [REDACTED] who is dealing cocaine. A girl, FNU LNU, who was a runner for [REDACTED] was recently caught with five keys of cocaine. [REDACTED] advised that to his knowledge [REDACTED] is not in jail.

5/26/2005

Boston, Massachusetts

Investigation

at

5/26/2005

File # SA S. Vincent M. Chambers
SA Jill R Heeter
by Det Eduardo Dominguez

Date dictated

FD-302a (Rev. 10-6-95)

Continuation of FD-302 of

, On 5/26/2005

, Page

2

CACHE is described as:

HEIGHT:

COMPLEXION:

BUILD:

HAIR:

EYES: